

*Electronically Filed on  
December 11, 2006*

JANET L. CHUBB, ESQ.  
Nevada State Bar No. 176  
LOUIS M. BUBALA III, ESQ.  
Nevada State Bar No. 8974  
JONES VARGAS  
100 W. Liberty St, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, NV 89504-0281  
Telephone: 775-786-5000  
Fax: 775-786-1177  
Email: [jlc@jonesvargas.com](mailto:jlc@jonesvargas.com)  
and [tbw@jonesvargas.com](mailto:tbw@jonesvargas.com)  
and [lbubala@jonesvargas.com](mailto:lbubala@jonesvargas.com)

**Attorneys for Objecting JV Creditors:**  
Charles B. Anderson Trust; Rita P. Anderson  
Trust; Baltes Company; Kehl Family Members;  
Judith L Fountain Irrevocable Trust Dated  
8/26/97; and Mojave Canyon, Inc.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:  
☒ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**JOINDER IN DONNA  
CANGELOSI'S OBJECTION TO  
CONFIRMATION OF DEBTORS'  
THIRD AMENDED JOINT  
CHAPTER 11 PLAN OF  
REORGANIZATION AS IT  
APPLIES TO DEBTOR USA  
COMMERCIAL MORTGAGE  
COMPANY  
(AFFECTS ALL DEBTORS)**

Hearing Date: December 19, 2006  
Hearing Time: 10:00 a.m.

The Objecting JV Creditors, Robert J. Kehl, Ruth Ann Kehl, Daniel J. Kehl, Kehl  
Development, Kevin Kehl, Kevin Kehl for Susan L. Kehl, Kevin Kehl for Andrew Kehl, Warren  
Hoffman Family Investments, LP, Judy A. Bonnet, Robert A. Kehl and Tina M. Kehl, Krystina L.  
Kehl, Christina M. Kehl, Kevin McKee, Cynthia Winter, Charles B. Anderson Trust, Rita P.

1 Anderson Trust, Baltes Company, Judith L Fountain Irrevocable Trust Dated 8/26/97, and Mojave  
2 Canyon Inc., by and through their counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of  
3 Jones Vargas, hereby incorporate, as if set forth herein, and join in the Objection to Confirmation  
4 of Debtors' Third Amended Joint Chapter 11 Plan of Reorganization as it Applies to Debtor USA  
5 Commercial Mortgage Company filed by Donna Cangelosi.

6 However, the Objecting JV Creditors do not urge that the Plan be modified but request  
7 that the setoff rights of direct lenders be preserved. The Objecting JV Creditors also do not object  
8 to the sale of the loan packages to Compass so long as it is clear that there is no assumption and  
9 assignment that would suggest there has been a cure of the USACM defaults.

10 DATED this 11<sup>th</sup> day of December, 2006.

11 JONES VARGAS

12 By: //s// Janet L. Chubb  
13 JANET L. CHUBB, ESQ.  
14 LOUIS M. BUBALA, ESQ.

15 Attorneys for Objecting JV Creditors  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

# CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on December 11, 2006:

## **JOINDER IN DONNA CANGELOSI'S OBJECTION TO CONFIRMATION OF DEBTORS THIRD AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION AS IT APPLIES TO DEBTOR USA COMMERCIAL MORTGAGE COMPANY**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
- FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
- NANCY L ALLF nallf@parsonsbehle.com, klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
- FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
- OGONNA M. ATAMOH oatamoh@nevadafirm.com, bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com
- KERIANN M ATENCIO ATENCIOK@GTLAW.COM
- BMC GROUP, INC. evrato@bmcgroup.com, ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com
- KELLY J. BRINKMAN kbrinkman@gouldpatterson.com
- THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
- ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com
- MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com
- CANDACE C CARLYON ltreadway@sheacarlyon.com, ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rmsmith@sheacarlyon.com
- ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
- MICHAEL W. CHEN yvette@ccfirm.com
- KEVIN B. CHRISTENSEN kbchrislaw@aol.com
- JANET L. CHUBB tbw@jonesvargas.com
- JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com
- WILLIAM D COPE cope\_guerra@yahoo.com
- CICI CUNNINGHAM bankruptcy@rocgd.com
- LAUREL E. DAVIS bklsclv@lionelsawyer.com, ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com
- DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com
- THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
- SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com
- GREGORY E GARMAN bankruptcynotices@gordonsilver.com
- WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com
- CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

JONES VARGAS  
 100 W. Liberty Street, 12<sup>th</sup> Floor  
 P.O. Box 281  
 Reno, Nevada 89504-0281  
 Tel: (775) 786-5000 Fax: (775) 786-1177

- 1 • GERALD M GORDON bankruptcynotices@gordonsilver.com
- 2 • R. VAUGHN GOURLEY vgourley@lvcm.com
- 3 • TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- 4 • JAMES D. GREENE bknotice@schrecklaw.com
- 5 • MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- 6 • JEFFREY R. HALL jhall@sheacarlyon.com,  
 bankruptcyfilings@sheacarlyon.com; aboehmer@sheacarlyon.com; ltreadway@sheacarlyon  
 .com; rmsmith@sheacarlyon.com
- 7 • XANNA R. HARDMAN xanna.hardman@gmail.com
- 8 • STEPHEN R HARRIS noticesbh&p@renolaw.biz
- 9 • JEFFREY L HARTMAN notices@bankruptcyreno.com
- 10 • BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- 11 • RANDOLPH L. HOWARD rhoward@klnevada.com,  
 ckishi@klnevada.com; bankruptcy@klnevada.com
- 12 • DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- 13 • CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- 14 • EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- 15 • TY E. KEHOE TyKehoeLaw@aol.com
- 16 • ROBERT R. KINAS rkinas@swlaw.com, jlustig@swlaw.com; imccord@swlaw.com
- 17 • ZACHARIAH LARSON ecf@lslawnv.com
- 18 • JOHN J. LAXAGUE jlaxague@canecclark.com
- 19 • GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- 20 • NILE LEATHAM nleatham@klnevada.com,  
 ckishi@klnevada.com; bankruptcy@klnevada.com
- 21 • ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
- 22 • ANNE M. LORADITCH ecffilings@beckleylaw.com,  
 aloraditch@beckleylaw.com; pkois@beckleylaw.com
- 23 • PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com,  
 lvlaw03@yahoo.com; mark@leelaw.lvcoxmail.com
- 24 • JAMES C. MCCARROLL , dturetsky@reedsmith.com; aleonard@reedsmith.com
- 25 • REGINA M. MCCONNELL rmccconnell@kssattorneys.com
- 26 • WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- 27 • RICHARD MCKNIGHT mcknightlaw@cox.net,  
 gkopang@lawlasvegas.com; cburke@lawlasvegas.com
- 28 • JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
 smiller@sheacarlyon.com; aboehmer@sheacarlyon.com; ltreadway@sheacarlyon.com; rsmit  
 h@sheacarlyon.com
- DAVID MINCIN mcknightlaw@cox.net,  
 gkopang@lawlasvegas.com; dmincin@lawlasvegas.com; cburke@lawlasvegas.com
- JOHN F MURTHA jmurtha@woodburnandwedge.com
- ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
- VICTORIA L NELSON bkecf@nevadafirm.com,  
 vnelson@nevadafirm.com; paltstatt@nevadafirm.com; rholley@nevadafirm.com; sliberio@  
 nevadafirm.com
- BOB L. OLSON ecffilings@beckleylaw.com,  
 bolson@beckleylaw.com; dgriffis@beckleylaw.com

JONES VARGAS  
 100 W. Liberty Street, 12<sup>th</sup> Floor  
 P.O. Box 281  
 Reno, Nevada 89504-0281  
 Tel: (775) 786-5000 Fax: (775) 786-1177

- DONNA M. OSBORN ebaker@marquisaurbach.com, dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com
- ANDREW M. PARLEN aparlen@stutman.com
- DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
- PAUL C RAY info@johnpeterlee.com
- SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
- LENARD E. SCHWARTZER bkfilings@s-mlaw.com
- JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com, ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- SHLOMO S. SHERMAN ssherman@sheacarlyon.com, aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- AMBRISH S. SIDHU ecf@lslawnv.com
- JEFFREY G. SLOANE gjklepel@yahoo.com, rmconnell@kssattorneys.com
- ALAN R SMITH mail@asmithlaw.com, turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
- DAVID A. STEPHENS dstephens@lvcm.com
- PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
- JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com
- CARYN S. TIJSESELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com
- AMY N TIRRE atirre@kkbrf.com, lleverett@kkbrf.com
- U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
- GREGORY J. WALCH GWalch@Nevadafirm.com
- RUSSELL S. WALKER rwalker@wklawpc.com, eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com
- WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
- WILLIAM J. WRAY wjw@oreillylawgroup.com, rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillylawgroup.com,mr@oreillylawgroup.com
- JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com
- MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com
- ANTHONY A. ZMAILA azmaila@nevadafirm.com, bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):  
 I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

